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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,505	10/31/2000	Donald M. Gray III	14531.74	9995

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WORKMAN NYDEGGER & SEELEY  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 07/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/702,505

Applicant(s)

GRAY ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-27 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on June 04, 2003 has been entered. This amendment amended pages 14, 18, 21 and 23 and claims 1, 6, 7, 10, 12, 14, 15, 17, 18, 22, 23, 25 and 26.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-7 and 9-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-7 and 9-16:

Claim 1:

The amendments made to lines 10-12 are not supported by the specification because they identify portions that are opaque and translucent while only visible portions are read. The claim does not read the identified translucent portions since they are not truly visible since they are blended with other portions, thus the metes and bounds of this claim are directed to subject matter

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that was not described in the specification as filed. Page 17 lines 6-7 of the specification describes reading the translucent portions of the sources.

Claim 6 and 7:

Amended claim 1 does not read the translucent portions of the sources thus claims 6 and 7 are blending opaque portions which was not described by applicant as being blended, thus, claim 1 needs to be amended to include reading the translucent portions and claims 6 and 7 need to be amended to claim blending the translucent portions.

Claim 10:

Claim 10 was amended to claim without storing one or more composite images while the specification only described forming one composite image formed with portions of image data from sources.

4. The absence of a prior art rejection of claims 1-7 and 9-16 is not an indication of allowable subject matter, it is merely an indication the Examiner did not search the unsupported amended claimed invention.

### ***Response to Arguments***

5. Applicants arguments concerning Perlman and claim 17 have been fully considered, however, they are not persuasive for the following reasons.

Applicant argues "*Perlman* fails, however, to anticipate or make obvious a method that includes the application of data from adjacent spans, as recited in claim 17." However, the specification defines spans as being from the same

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source, slices as having spans from the same source, and, claim 17 is reducing flickering from the same source, which is how Perlman reduces flicker. Perlman reduces flicker in the image from the same source and applicant admits in his arguments that Perlman reduces flicker in the same image. Thus, applicant arguments and amendments to claim 17 do not overcome the Perlman reference.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Perlman et al., U.S. Patent No. 5,745,909. A limitation by limitation detailed analysis of claims 17, 18, and 20 and Perlman follows.

Underlining indicates claim limitations added by amendment.

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Claim 17	Perlman et al., U.S. Patent No. 5,745,909
17. In a system including a display device for displaying an image, a method for reducing the flicker of a portion of the image, the method comprising the acts of:	See the abstract, column 5 lines 37-40, 53-57, and the HTML code at lines 1-20 where it is seen that plural images form the total image presented by the web browser and any one of them may be filtered to reduce any flicker that that one image may make on the television display.
reading data from a source, wherein the data is the portion of the image that is subject to flickering, and wherein the data defines a span included in a line;	See the HTML code on column 5 lines 1-20 and line 39. Each reference to an image (< IMG SRC =(filename) causes the web browser to read data from a source and each image defines a span included on a line.
reading previous data from the source, wherein the previous data corresponds to a previous span in a previous line, wherein the previous span is vertically adjacent to the span;	The image undergoing filtering is filtered according to the equations on column 6 lines 10 and 17. In the equation the line above (previous) is used in the filtering process and it is read from the source in order to be present in the filter process.
reading next data from the source, wherein the next data corresponds to a next span in a next line and wherein the next span is vertically adjacent to the span; and	In the equation the line below (next) is used in the filtering process and it is read from the source in order to be present in the filter process.
blending the previous <u>span</u> data, the <u>span</u> data <u>subject to flickering</u> , and the next <u>span</u> data such that the flicker that would otherwise exist at the portion of the image is reduced.	The equations at column 6 lines 10 and 17 blend the line above (previous), the current line, and the line below (next) so flicker that occurs in this image forming the larger image is reduced. The specification defines spans as being from the same source and claim 17 is reducing flickering from the same source, which is how Perlman reduces flicker. Perlman reduces flicker in the image from the same source and applicant admits in his arguments that Perlman reduces flicker in the image from an HTML tagged source.

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Claim 18:

The lines of data used in the filter equations at lines 10 and 17 are data streams.

Claim 20:

This claim claims "the display device displays images using interlaced fields". The display of Perlman is a television, column 3 lines 65-67, which is an interlaced display device, thus, the span of the filtered image is displayed on the corresponding line of the interlaced display device.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al., U.S. Patent No. 5,745,909, in view of Ranganathan, U.S. Patent No. 5,764,201.

Note the discussion of Perlman in the rejection of claims 17 and 18 above.

Perlman does not explicitly teach converting the output data stream to the display device color space.

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Ranganathan teaches at column 8 line 57 to column 9 line 3 a color space converter 66 that the output data stream to the display device color space.

Ranganathan does this in a system that blends two data streams, see Figs. 3, 8A, 8B, and column 5 line 61 to column 6 line 9.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to convert the color space of the output image data stream of Perlman to the color space of the display device since this is critical to having the image accurately displayed on the television monitor and since Ranganathan teaches converting a source's color space to the color space of the display device.

***Allowable Subject Matter***

10. Claims 21-27 are allowed

11. The prior art of record fails to teach or suggest directing the data streams having the same color space to one or more blending units and blending, by each blending unit, the data streams having the color space that is the same as the associated color space of the blending unit to produce outputs, converting the outputs to a single color space, and blending the outputs to produce an image data stream.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is



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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

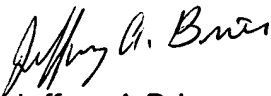
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the Technology Center 2600  
Customer Service Office whose telephone number is (703) 306-0377.

  
Jeffery A Brier  
Primary Examiner  
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